THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25179 OF 2005

Dt.25.11.2005

Between:

V.Chandrashekar Reddy … Petitioner

And

The Collector (Civil Supplies)/Joint

Collecltor, Nizamabad and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner was granted dealership licence for supply of LPG Gas under the provisions of A.P.Petroleum Products (Licensing and Regulation of Supplies) Order 1980 (hereinafter referred to as 'Order 1980) in the year 1994 under physically handicapped category i.e., dumb and deaf. It is stated that the petitioner being physically handicapped person was assisted by his father and also one V.Sandeep Reddy, translator appointed for assisting him in the supply of gas. It is stated that the Sales Officer of the Oil Company, namely, Manoj V.Choudary caught hold of the shirt of the said Sandeep Reddy and abused him in filthy language and threatened him with dire consequences. Therefore, the said V.Sandeep Reddy by his letter dated 5.11.2005 stating that the Sale Officer did not

permit him to explain the transactions entered in the computer and the said Sales Officer caught hold of the shirt collar in front of the petitioner and other customers and started abusing in filthy language and the said act of the Sales Officer hurt him a lot and at the instance of the petitioner he did not give any police complaint and he cannot work with the petitioner. Pursuant to the said letter dated 5.11.2005, the petitioner also made a complaint before the Senior Regional Manager, H.P.C.L – L.P.G – Cherlapally on 5.11.2005, but no action has been taken by him. However, a show cause notice dated 27.10.2005 has been issued as to why the dealership of the petitioner could not be suspended. After receiving explanation submitted by the petitioner, the licence of the petitioner bearing No.S3/122/1994 valid up to 31.12.2007 has been suspended for a period of three months by the impugned proceedings dated 11.11.2005. It is alleged that the petitioner is not following the seniority in issue of refills and in 18 such cases there was deviation of seniority to the consumers and one person, namely, Jankamapet Linganna while transporting in a private auto caught red handed to which the petitioner could not adduce satisfactory explanation and the petitioner has contravened conditions 5, 6, 7 and 9 of the licence issued to him under Order 1980. In fact, the said Jankampet Linganna is a consumer as is evident from the suspension order itself at Serial No.5, Consumer No.609901 and his waiting list number and date of booking for refill is Sl.No.688 dated 5.9.2005.

The learned counsel for the petitioner submits that the impugned show cause notice was mainly issued on the pressure of the said Sales Officer, who has manhandled V.Sandeep Reddy, and as there are no grievous charges against the petitioner it is not a case to impose punishment of suspension for a period of three months.

As the appeal filed by the petitioner on 16.11.2005 against the said order of suspension dated 11.11.2005 is pending before the Commissioner of Civil Supplies, Civil Supplies Department, Hyderabad, under Clause 31 of the Order 1980, I am not inclined to

express any opinion on the merits of the case. However, it is pertinent to note that on a complaint given by the petitioner before the Commissioner, Disabled Welfare and State Commissioner under Persons with Disabilities Act, 1995, he has written Lr.No.PO/Misc./2005 dated 24.11.2005 to the Commissioner, Civil Supplies, A.P., Hyderabad, informing that the petitioner is a hearing impaired person and he has been running a H.P. Gas (HPCL) for the past 10 years successfully, but the said dealership has been suspended for a period of three months and in that connection he has recommended to revoke the suspension order by taking into consideration the disability and livelihood as per Persons with Disabilities Act, 1995.

Having regard to the facts and circumstances of the case, as there are no serious irregularities committed by the petitioner, I am of the opinion that it is just and proper to grant stay of operation of the order of the first respondent dated 11.11.2005 pending disposal of the appeal before the 2nd respondent.

The writ petition is accordingly disposed of directing the 2nd respondent to consider and dispose of the appeal filed by the petitioner on 16.11.2005 within a period of three weeks from the date of receipt of a copy of this order after giving reasonable opportunity to the petitioner. Till then, the impugned order dated 11.11.2005 stands stayed. No costs.

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(V.ESWARAIAH, J.)

25.11.2005

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